

09/917,539

P-3611-2-D1-3-C1

REMARKS

Reconsideration of the application and the following remarks is respectfully requested. Claims 1 to 30 are currently pending, and no claims have been amended.

The Final Office Action mailed April 14, 2003 addressed claims 1 to 30. Claims 1 to 30 were rejected. The Advisory Actions mailed June 20, 2003 and July 14, 2003 maintained the rejections.

In the Advisory Action mailed June 20, 2003, the Examiner stated that "Cavallaro '191 does not show or teach specifically that the addition of a mantle layer "increases" or decreases the spin rate but merely says the mantle layer has the affect on playing characteristics such as spin and etc. Note, Cavallaro '191 shows a spin rates on Table II which are tested with a Driver while the spin rate on Table III of Sullivan '489 are tested with a #9 iron; thus, it is not a proper comparison and drawn conclusion." Applicants respectfully disagree. The Examiner omits that Cavallaro '191, in Table III, shows the effect of spin with an 8 iron, and the results are the same (spin rate increases for the golf balls of the invention). Additionally, Cavallaro does teach that increased spin rate is preferable. In the Background section, Cavallaro states, when discussing traditional two piece balls, that "due to their hardness, these balls have a relatively low spin rate which makes them difficult to control." Cavallaro states that wound balls are preferred for advanced players because of "superior spin", and they "provide more spin", and the invention will try to make a ball more like a wound ball (i.e., more spin). See column 1, lines 38 to 63. Clearly, contrary to the assertions of the Examiner, Cavallaro is interested in increasing the spin rate of the ball, not decreasing it. Furthermore, although Cavallaro and Sullivan use different clubs to measure spin rate, Applicants respectfully submit that the comparison is proper and a conclusion can be drawn from the comparison. The absolute numbers may not necessarily be compared, but the direction (or increase) can be compared, particularly between an 8 iron and a 9 iron, which are similar.

In the Advisory Action mailed July 14, 2003, the Examiner stated that "[w]ith respect to the comparison of an 8-iron and a 9 iron, using the same ball, one skilled in the art would recognize that a 9-iron has a higher loft angle would produce a higher spin rate

Advisory Action

Application No.

09/917,539

Applicant(s)

NESBITT ET AL.

Examiner

Tom P Duong

Art Unit

3711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See continuation sheet
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: as stated in Final Rejection.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Paul T. Sewell
Supervisory Patent Examiner
Group 3700

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than an 8-iron. Note, in order to properly compare the spin rate, the test must be conducted with the same iron #, speed of the club head, launched angle of the ball, and initial ball velocity. Applicants respectfully disagree. As previously stated, Applicants are merely pointing out that Cavallaro is interested in increasing the spin rate, and his tests show that adding the mantle layer increases the spin, while Sullivan is interested in decreasing the spin rate. The choice of club is irrelevant as the trend or direction (increasing or decreasing) will be the same regardless of which club is used. Applicants are not comparing the absolute spin numbers, only the trend (i.e., whether it increases with the balls of the invention, or whether it decreases), therefore, the fact that different irons are used does not matter.

As previously stated, Applicants respectfully submit that there is no teaching or suggestion in Cavallaro '191 or Sullivan to motivate one skilled in the art to add a mantle to the golf ball of Sullivan. One skilled in the art would not be motivated to add a mantle layer to the golf ball of Sullivan because Sullivan specifically teaches a two piece golf ball having a large core and a larger, thicker cover, and it is the combination of the soft core and thicker cover that provides the good feel and lower spin in Sullivan. Applicants respectfully submit that Sullivan teaches away from adding another layer by providing a soft core for the soft feel and the thicker cover, and a resulting golf ball having good feel and reduced spin. Applicants respectfully submit that one skilled in the art would not be motivated by Cavallaro '191 to add a mantle, specifically the mantle of Cavallaro '191, to Sullivan because the addition of the mantle of Cavallaro '191 increases the spin rate, and the focus of Sullivan is to decrease the spin rate, and Sullivan's combination of core and cover does this.

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

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CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 1 to 30. Applicants respectfully request allowance of claims 1 to 30, the claims currently pending.

Respectfully submitted,

R. DENNIS NESBITT ET AL.

Customer No. 24492
Phone (413) 322-2937

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By: Michelle Bugbee
Michelle Bugbee, Reg. No. 42,370
The Top-Flite Golf Company
Attorney for Applicants
425 Meadow Street
P.O. Box 901
Chicopee, MA 01021-0901

Cc: Richard M. Klein, Esquire (SLD 2 0158-1)